

## **Chapter 14.68 Conditional Use Permit Criteria.**

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### **14.68.010 Conditional uses established.**

Each zoning district chapter sets out uses that are conditionally permitted in that district. Conditionally permitted uses are those uses that require a level of review and opportunity for public input that is greater than that required for permitted uses. The procedures for processing conditional use permits are set out in DMC 14.08, Permit Processing.

### **14.68.020 Conditional use permit purpose.**

The purpose of a conditional use permit is to assure, by allowing for a public process and for the imposition of special conditions and requirements, that conditional uses are compatible with the uses permitted by this title and that the purpose of this title is maintained.

### **14.68.030 General criteria – Conditional use permit.**

A conditional use permit for any type of conditional use shall be granted only if the applicant demonstrates that the conditional use meets all of the following criteria:

- A. The use is consistent with the Duvall Unified Development Regulations and the Duvall Comprehensive Plan;
- B. The use is designed, constructed, operated and maintained in a manner that is compatible with the existing or intended character, appearance, quality of development and physical characteristics of the subject property and the general vicinity;
- C. The location, size, and height of buildings, structures, walls, fences, and screening vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties;
- D. The type of use, hours of operation, and appropriateness of the use in relation to adjacent uses will not create unusual hazards or result in adverse impacts;
- E. The use shall be served by adequate public facilities and services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts of such facilities;
- F. In addition to compliance with the criteria set out here, an applicant for a conditional use permit shall comply with all requirements of this Title;

### **14.68.040 Wireless facilities – Additional criteria.**

In addition to the general conditional use permit criteria specified in DMC 14.68.030; the following specific criteria shall be met before a conditional use permit can be granted:

- A. Antennas may not extend more than 15 feet above their supporting structure, monopole, building or other structure.

- B. Site location and development shall preserve the pre-existing character of the surrounding buildings and land uses and the zone district to the extent consistent with the function of the communications equipment. Wireless communications towers shall be integrated through location and design to blend in with the existing characteristics of the site to the extent practical. Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area.
- C. Accessory equipment facilities used to house wireless communications equipment should be located within buildings or placed underground when possible. When they cannot be located in buildings, equipment shelters or cabinets shall be screened and landscaped in conformance with DMC 14.38, Landscaping.
- D. No equipment shall be operated so as to produce noise in levels above 45 dB as measured from the nearest property line on which the attached wireless communications facility is located.

**14.68.050 Industrial zoning district – Additional criteria.**

The industrial zoning district is intended to primarily allow for light industrial and office uses in an industrial park setting. Some additional retail and service uses are conditionally permitted in the industrial zoning district subject to meeting a minimum of one of the following criteria:

- A. The proposed use will provide a large number of jobs and the majority of those jobs are family wage jobs in accordance with the state of Washington determination of a family wage.
- B. The proposed use will provide a retail sales tax base to the city.
- C. The proposed use will provide goods and/or services that are necessary to meet the needs of Duvall's population.
- D. The proposed use will create other opportunities for economic development.

**14.68.060 Buildings greater than 7,500 square feet in Uptown-1st Avenue/Old Town-Mixed Use/Riverside Village districts – Additional criteria.**

Special care is necessary to ensure that buildings greater than 7,500 square feet in the Uptown-1st Avenue, Old Town-Mixed Use, and Riverside Village Districts comply with the historic scale of development in Old Town and do not negatively affect the streetscape. Such buildings may be permitted subject to consideration of the following criteria:

- A. The proposed building(s) shall be subject to design review approval that meets the criteria set out in DMC 14.62, Site Plan Criteria, and DMC 14.34 Design Guidelines. Additionally, other design features to reduce the mass and scale of the building are required. Such features shall be determined in consultation with an architect responsible for peer review of the application.
- B. The proposed building(s) shall be an architectural amenity to Duvall consistent with the design standards and the Comprehensive Plan.
- C. Parking for the proposed building(s) shall be surface and/or garage parking. Underground or aboveground parking structures are permitted if specialized design features such as public open space or unique building design are submitted as part of the development application.

**14.68.070 Buildings size limitations in MU12, MUI, MT, CO, LI, and PF zoning districts– Additional criteria**

In the MU12, MT, CO, LI, and PF zoning districts, the gross floor area of a building shall not exceed 65,000 square feet (35,000 square feet in the MT zone and 45,000 square feet in MU12 zone) unless a conditional use permit has been granted. The 65,000 square foot limitation shall apply to individual buildings for which permits are sought and also to the cumulative sum of

related or successive permits for buildings that are part of a larger project, such as piecemeal additions to a building or multiple buildings on a lot or adjacent lots. For purposes of this section, the gross floor area of a retail store shall include gross floor area and the area of all portions of the site outside of the exterior walls of buildings used for the display, storage, or sale of any goods, wares or merchandise. The gross floor area of adjacent stores shall be aggregated in cases where the stores: are engaged in the selling of similar or related goods, wares or merchandise and operate under common ownership or management; or share checkstands, a warehouse, or a distribution facility; or otherwise operate as associated, integrated or cooperative business enterprises.

The following criteria shall be met in order for a building to exceed 65,000 (35,000 square feet in the MT zone and 45,000 square feet in MU12 zone) square feet:

- A. The proposed building(s) shall be subject to design review approval that meets the criteria set out in DMC 14.62, Site Plan Criteria, and DMC 14.34 Design Guidelines. Additionally, other design features to reduce the mass and scale of the building are required. Such features shall result in the building appearing to be a series of smaller buildings, rather than one large building. Such features shall be determined in consultation with an architect responsible for peer review of the application.
- B. The proposed building(s) shall be an architectural amenity to Duvall consistent with the design standards and the Comprehensive Plan.
- C. Parking for the proposed building(s) shall be surface and/or garage parking. Additional surface parking required for the portion of the building greater than 65,000 square feet (35,000 square feet in the MT zone and 45,000 square feet in MU12 zone ) shall be located behind or adjacent to the building, not between the building and the primary adjacent street. Under or above ground parking structures are permitted if specialized design features such as public open space or unique building design are submitted as part of the development application.

#### **14.68.080 Secure Community Transition Facilities (SCTFs) – Additional criteria.**

This criteria is intended to set out standards for secure community transition facilities to comply with RCW 71.09 while maintaining compatibility with other land uses and services permitted within the city.

- A. SCTFs should be located near transit facilities, as appropriate.
- B. No SCTF shall be permitted within 1 mile from any other SCTF, work release, prerelease or similar facility as defined by RCW 71.09.250(8), (9).
- C. SCTFs are only permitted in the LI zoning district.
- D. Each SCTF shall have the capability to provide on-site dining, laundry and recreation facilities to serve the residents.
- E. In addition to required submittal information elsewhere in this chapter, applicants for SCTFs shall submit the following:
  - 1. The siting process used for the SCTF, including alternative locations considered;
  - 2. An analysis showing the consideration was given to potential sites such that siting of the facility will not result in a concentration of similar facilities in a particular neighborhood, community, jurisdiction, or region;
  - 3. A map showing all school bus stops, day care facilities, preschools, schools, libraries, recreational facilities, community centers, and religious institutions within 600 feet of the proposed site. An SCTF is not permitted within 600 feet of such uses.
  - 4. Proposed mitigation measures, including the use of buffering from adjoining uses;
  - 5. A general overview of planned security for the facility;

6. A schedule and analysis of all public input solicited or to be solicited during the siting process.

**14.68.090 Essential public facilities – Additional criteria.**

This criteria is intended to address the siting of essential public facilities (EPF) as defined by state law. Siting of EPFs shall be subject to consideration of the following additional criteria:

- A. Whether there is a public need for the facility.
- B. The impact of the facility on the surrounding uses and environment, the City and the region.
- C. Whether the design of the facility or the operation of the facility can be conditioned, or the impacts otherwise mitigated, to make the facility compatible with the affected area and the environment.
- D. Whether city or county services, businesses, job opportunities, and public transportation are sufficient to accommodate the proposed use.
- E. Whether a package of incentives can be developed that would make siting the facility within the community more acceptable.
- F. Whether the factors that make the facility difficult to site can be modified to increase the range of available sites or to minimize impacts on affected areas and the environment.
- G. Whether the proposed essential public facility is consistent with the Duvall Comprehensive Plan.
- H. If a variance is requested, the proposal shall also comply with the variance criteria.
- I. Essential public facilities shall comply with any applicable state siting and permitting requirements.

**14.68.100 Conditional use permit review.**

- A. Conditional use permits shall be processed in accordance with DMC 14.08, Permit Processing.
- B. A conditional use permit granted in accordance with DMC 14.08 that requires construction of a building or similar facility development shall expire 5 years from the date of such approval. All construction in accordance with the conditional use permit shall be completed by the permit expiration date. A single 1-year extension may be granted by the Director if the applicant can show a good faith effort to complete construction and all construction is scheduled to be completed within that 1 year time period. If a use is associated with the construction, the additional provisions of DMC 14.68.080.C apply.
- C. A conditional use permit granted in accordance with DMC 14.08 for a use shall not expire, except if the permitted use does not commence within 1 year from the date of the permit approval, or if the use is discontinued for a period of 2 continuous years, the conditional use permit shall be deemed expired. A single 1 year extension may be granted by the Director 1 year after the original approval if the applicant can show a good faith effort to commence the approved use and the approved use is scheduled to commence within that additional 1 year time period.
- D. A conditional use permit granted for a use associated with a building is considered to be a permit for that use in that building and the conditional use permit may be used by any other occupier of that same building using a like amount of square footage for a like use.
- E. A conditional use permit can be approved, approved with conditions, or denied by the Hearing Examiner.
- F. A conditional use permit may be revoked by the Hearing Examiner. Revocation proceedings may be initiated by the Director or individuals aggrieved. Individuals may petition the Hearing Examiner to initiate revocation proceedings. A public hearing shall be held using the same procedures as required for initial consideration of an application for a

conditional use permit. Such revocation or modifications shall be made on any one or more of the following grounds or additional grounds set out in DMC 14.04.140:

1. That the use for which such approval was granted has been abandoned;
2. That the use for which such approval was granted has at any time ceased for a continuous period of 2 years or more;
3. That the permit granted is being exercised contrary to the terms or conditions of such approval or in violation of any statute, resolution, code, law or regulations;
4. That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety.